

Carol Lumb - FW: Tukwila SMP

From: "Radabaugh, David (ECY)"
To: "Carol Lumb"
Date: 10/18/2010 4:44 PM
Subject: FW: Tukwila SMP

From: Dean Patterson [mailto:Dean@futurewise.org]
Sent: Friday, October 15, 2010 2:36 PM
To: Radabaugh, David (ECY)
Subject: Tukwila SMP

I apologize for the informal nature of these comments. I have only been able to provide a cursory review, and will only be able to touch on a few big-picture items. While our concerns describe some big problems with the structure and design of the SMP, we do want to commend the City for developing a unique and adequate system for dealing with buffers.

BUFFERS AND LANDSCAPING - While we find that smaller sized buffers and buffer reductions can work, they need to be logically accompanied by enhancement requirements to offset the built-in impacts of development near the water. The City has accomplished this and we support these aspects of the SMP. There are also commendable landscaping requirements. Our only comment is that there seems to be so broad exceptions to where it is applied in the "general requirements", possibly making the section largely pointless. Specifically, single family development and development behind a levee greatly reduces the area that these well designed provisions apply.

ECOLOGICAL FUNCTIONS - Buffer functions are described beginning on page 57, but the text does not acknowledge that buffers provide upland habitat for animals that depend on riparian areas, which are a disproportionate percentage of animal species. The SMP is almost entirely focused on salmonids, yet habitat functions for other species must also be considered in order to ensure no-net-loss of those functions. The SMP goes on to discuss the importance of wood for in-stream structural diversity, but only discusses its importance in habitat formation in terms of pools for fish species. Wood also benefits in-water habitat features other than pool formation, and provides structural diversity to upland habitat areas as well. Buffers have habitat functions in the upland which are not discussed.

PROTECTING REMAINING INTACT AREAS - The area between the river and Tukwila Park should not be designated as Residential. It appears to be the last remaining block of intact shoreline vegetation remaining, and is undiked. The only area close to being this well vegetated appears to have a stormwater pond at the end of Minkler Road, which is designated as Urban Conservancy. We recommend additional protection be provided for both of these areas. Otherwise, the eventual loss of these last remaining vegetated areas must be compensated for in the Cumulative Impact Analysis.

USE AND MODIFICATION LIMITS - The use limits in the SMP are almost non-existent. There are no prohibited uses, and very few prohibited activities. The use limits only say what is allowed. Since uses and modifications that are not prohibited are allowed using a CUP, stating what is allowed without also stating what is prohibited is a pointless exercise. The one possible exception in the SMP is in the Residential Buffer environment, which doesn't say anything is prohibited, but does say "No uses or structures are permitted in the Shoreline Residential Buffer except for the following," which comes close. Similar language might be used for other areas to help plug this hole.

The whole point of use limits in the SMA and SMP Guidelines is that jurisdictions should carefully consider the appropriateness of different uses and modifications in each shoreline environment area, not simply allow them by default. Relying on the zoning ordinance to determine whether uses are allowed does so without relation to their appropriateness near shoreline resources.

We recommend that all use-types be described, especially those that are prohibited, in all environments. If uses are intended to be not allowed, the SMP should clearly say so. If they are to be allowed, the SMP should clearly say so.

LACK OF DEVELOPMENT REGULATIONS - Since all the different uses are allowed everywhere, all of the regulation requirement of the SMP Guidelines must be met. These include mining, forestry, agriculture, aquaculture, in-stream uses, etc. While boating facilities have regulations, they are not addressed in the use limits, and thus allowed in all environments.

URBAN CONSERVANCY – Since the Urban Conservancy environment allows all uses and modifications, it is contrary to the purpose of the environment in SMP Guidelines, which is “to protect and restore ecological functions.” Protecting and restoring functions is incompatible with the operation and further development of high intensity commercial and industrial uses. Perhaps the Urban Conservancy should be split into two environments: a High Intensity – River for the commercial and industrial areas, and an Urban Conservancy that is more focused on the parks and recreation areas, and which can more closely meet the SMP Guidelines. If the intent is to allow all uses, the environment should be High Intensity.

WATER-DEPENDENCY – I could not see how commercial and industrial meet SMP Guidelines limits for water-dependency – it was not evident from a scan of the document. Similarly, the SMA is oriented to giving preference to uses with a water-orientation. But I could see nothing in the regulations that implement it. I only saw a few policy preferences. This is an issue for more than just commercial and industrial uses. It also applies to recreation, boating facilities, and public access facilities, multi-family, etc. Not all facilities need to be on the water. Relying on the zoning ordinance use limits does not implement the SMA policy in 90.58.020.

EXEMPTIONS – The SMP doesn’t describe the criteria that exemptions have to follow to qualify for the exemption. Some description of how an exemption is reviewed is needed to ensure and demonstrate that SMP will be implemented – the SMP even implies other officials will review the exemption though even that is not clear. There is no requirement to submit materials adequate to show conformance with the SMP, no confirmation required by administrator before work begins, no documentation, no tracking for future cumulative impact assessment, etc. And yet these exemptions will be allowing near-water and in-water development, doing bank re-construction and revegetation, and providing compensatory mitigation for impacts. How can this be done with nothing required for exemptions? Such a strategy is a formula to continue failing miserably, as has been the case for the last 35 years worth of exemptions across the state.

Thank you for the opportunity to comment.

Sincerely,

Dean Patterson - Shoreline Planner

futurewise

Celebrating 20 years of protecting Washington's future.

email: dean@futurewise.org

web: www.futurewise.org

814 Second Avenue, Suite 500, Seattle, WA 98104-1530

Direct Cell 509-823-5481 / HQ office 206-343-0681 / Fax 206-709-8218

